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Docket No. 19742 - 001

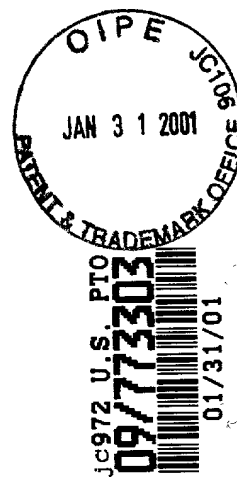
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA



REISSUE APPLICATION TRANSMITTAL

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an application to reissue U.S. Patent No. 5,894,079 issued on April 13, 1999.

Enclosed are the following:

1. SPECIFICATION, CLAIMS AND DRAWINGS
  - (a) [6] pages of specification
  - [5] pages of claims
  - [1] page of abstract
  - (b) [ ] sheets of formal drawings
  - [X] No changes in the drawings upon which the original patent was issued are to be made. Therefore, in accordance with 37 CFR 1.174, please find attached, in the size required for original drawings:
    - [ ] a copy of the printed drawings of the patent
    - [X] a photoprint of the original drawings.
2. DECLARATION AND POWER OF ATTORNEY
  - [X] 2 pages of declaration and power of attorney
3. PRELIMINARY AMENDMENT
  - [ ] attached
4. OFFER TO SURRENDER THE ORIGINAL LETTERS PATENT IN ACCORDANCE WITH 37 CFR 1.178
  - [X] attached

## 5. LETTERS PATENT

- ☐ original letters patent attached  
☐ declaration that original letters patent lost or inaccessible

## 6. TITLE

In accordance with 37 CFR 1.171, this application for reissue is accompanied by:

- ☐ a certified copy of an abstract of title  
☐ an order for an abstract of title; or  
  
☒ Title to this patent resides in the named assignee who obtained the same from the listed inventor through assignment recorded at Reel 9742, Frame 0430 (4 pages).

## 7. INFORMATION DISCLOSURE STATEMENT

- ☐ attached

## 8. PRIORITY - 35 USC 120

- ☒ Priority of Patent Application 749,449 filed on November 15, 1996 is claimed under 35 USC 120.  
☐ The certified copies have been filed in prior application Serial No. filed on .

## 9. FEE CALCULATION 37 CFR 1.16 (i) AND (j)

	Column 1	Column 2	Small Entity		Other than Small Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee:			\$355.00	\$355.00	\$710.00	\$345.00
Total Claims:	58	38	x9 =	\$342.00	x18 =	\$
Independent Claims:	10	7	x40 =	\$280.00	x80 =	\$
Fee for Title Report						\$
			Total	<u>\$977.00</u>	Total	\$

## 10. SMALL ENTITY STATUS (if applicable)

- ☒ A verified statement that this filing is by a small entity is attached

## 11. ASSIGNMENT INFORMATION (if applicable)

- ☒ The original patent is assigned of record to Pod-Ners, L.L.C.


## 12. METHOD OF PAYMENT OF FEES

- ☐ Charge Deposit Account No.03-1725 in the amount of \$ Two copies of this request are attached.  
☒ A Check in the amount of \$ 977.00 attached hereto

13. AUTHORIZATION TO CHARGE ADDITIONAL FEES

[ ] The Commissioner is hereby authorized to charge payment of any additional fees or credit any overpayment associated with this communication and during the entire pendency of this application to Deposit Account No. \_\_\_\_\_.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Tracy", is written over a horizontal line.

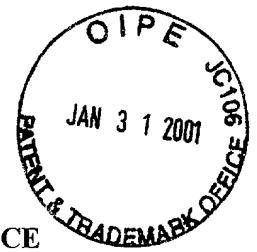
Emery L. Tracy  
Registration No. 34,081  
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Boulder, Colorado 80306  
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Date: January 31, 2001  
Attorney Docket Number 19742 - 001

FOR FILING

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In re Reissue Application of Larry M. Proctor

Reissue Application of Patent No 5,894,079

Filed: November 15, 1996

For: FIELD BEAN CULTIVAR NAMED ENOLA

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

COMMISSIONER OF PATENTS AND TRADEMARKS  
BOX REISSUE  
Washington, D.C. 20231

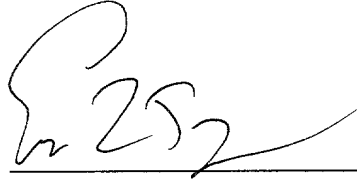
Sir:

I hereby certify that the attached documents:

1. A transmittal letter forwarding documents included with application for reissue, containing a Fee Calculation under 37 CFR 1.16(i) and (j);
2. An intact copy of the original patent, U.S. Patent No. 5,894,079;
3. A cut-up copy of the original patent, U.S. Patent No. 5,894,079, with each column of the specification on a separate page, and with proposed new claims 16-56 in underlined format, along with copies of the photographs used in the original patent application;
4. A reissue declaration in compliance with 37 C.F.R. §§1.63 and 1.175;
5. A request for transfer of drawings for reissue application and provision of temporary drawings;
6. An offer to surrender the original patent to the Patent Office pursuant to 37 C.F.R. §1.178;
7. A letter evidencing the written assent of the assignee to the filing of this application for reissue pursuant to 37 C.F.R. §1.172 (a);
8. A check for \$977.00 as payment of the reissue filing fee as specified by 37 C.F.R. §1.16 (h);
9. Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) & 1.27(b))--Small Business Concern;
10. Certificate under 37 CFR 3.73(b); and

11. A return postcard

are being deposited with the United States Postal Services as EXPRESS MAIL POST OFFICE TO ADDRESSEE, postage prepaid, EXPRESS MAIL LABEL NO. EG663706578US in an envelope addressed to: The Commissioner of Patents and Trademarks, Box Reissue, Washington, D.C. 20231, on this \_\_\_\_\_ day of January, 2001.



A handwritten signature, possibly reading "Er 252", is written over a horizontal line.

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FOR POSTAGE